Translation

PATENT COOPERATION TRE



PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

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Applicant's or agent's file reference 2148/Dr.BrM/	FOR FURTHER AC	TION	See Form PCT/IPEA/416		
International application No.	International filing dat	e (day/month/year)	Priority date (day/month/year)		
PCT/EP2003/011546	18 October 2003	3 (18.10.2003)	19 December 2002 (19.12.2002)		
International Patent Classification (IPC) or r C09D 4/06	national classification and	d IPC			
Applicant	RÖHM GMBI	H & CO. KG			
This report is the international preli Authority under Article 35 and tran	minary examination reposited to the applicant a	ort, established by this according to Article 3	S International Preliminary Examining 6.		
2. This REPORT consists of a total of	· 5 sheets.	including this cover	sheet.		
3. This report is also accompanied by					
a. (sent to the applicant an			sheets, as follows:		
sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.					
, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).					
4. This report contains indications rel	ating to the following ite	ms:			
Box No. I Basis of the	Box No. I Basis of the report				
Box No. II Priority					
Box No. III Non-establis	hment of opinion with re	gard to novelty, inver	ntive step and industrial applicability		
	of invention				
		(2) with regard to nov	elty, inventive step or industrial applicability;		
citations and	explanations supporting		,		
Box No. VI Certain docu					
	cts in the international ap	-			
Box No. VIII Certain observations on the international application					
Date of submission of the demand		Date of completion	of this report		
05 February 2004 (05.0	02.2004)	·	March 2005 (17.03.2005)		
		Authorized officer			
Name and mailing address of the IPEA/EF	-	Audiorized officer			
Facsimile No.		Telephone No.			



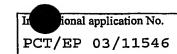
INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

mernational application No.

PCT/EP2003/011546

В	x No.	I]	Basis of the report					
1.	With r	egard ise in	to the language, this report is based on the international application in the language in which it was filed, unless dicated under this item.					
		This which	report is based on translations from the original language into the following language, as language of a translation furnished for the purpose of:					
			international search (under Rules 12.3 and 23.1(b))					
			publication of the international application (under Rule 12.4)					
			international preliminary examination (under Rules 55.2 and/or 55.3)					
	furnisi and ar	hed to e not a	to the elements of the international application, this report is based on (replacement sheets which have been the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" unnexed to this report);					
		The international application as originally filed/furnished						
			scription:					
		pages pages*	1-31 , as originally filed/furnished received by this Authority on					
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	\Box	the dra	wings:					
		pages	, as originally filed/furnished					
	1	pages*						
	1	pages*	received by this Authority on					
		a sequ	ence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.					
3.		The an	nendments have resulted in the cancellation of:					
		\Box	the description, pages					
		=						
			the drawings, sheets/figs					
			the sequence listing (specify):					
			uny table(s) related to sequence listing (specify):					
4.	1	This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)). the description, pages						
			he claims, Nos.					
		the drawings, sheets/figs						
			the sequence listing (specify):					
		_	any table(s) related to sequence listing (specify):					
•	lf item	4 арр	lies, some or all of those sheets may be marked "superseded."					

INTERNATIONAL PRELIMINARY EXAMINATION REPORT



v.	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
	citations and explanations supporting such statement

Statement			
Novelty (N)	Claims	1-21	YES
	Claims		NO
Inventive step (IS)	Claims		YES
	Claims	1-21	NO
Industrial applicability (IA)	Claims	1-21	YES
	Claims		NO

2. Citations and explanations

Reference is made to the following documents:

D1: EP-A-0 730 011 (ROEHM GMBH) 4 September 1996 (1996-09-04), mentioned in the application

D2: EP-A-0 628 614 (ROEHM GMBH) 14 December 1994 (1994-12-14), mentioned in the application

1. Novelty

The present application appears to satisfy the requirements of PCT Article 33(2) because the subject matter of claims 1-21 is novel with respect to the available documents.

2. Inventive Step

The present application does not satisfy the requirements of PCT Article 33(3) because the subject matter of claims 1-21 does not involve an inventive step.

2.1.

Document D1, which is considered the closest prior art, discloses a coating agent for scratch-resistant coatings of plastic bodies, consisting of (page 3, lines 14-27):

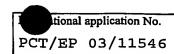
- (1) 1-30 percent by weight of a polymerizable prepolymer as a thickening agent obtainable by radical polymerization of
 - 1a) 90 to 99 percent by weight C1 to C8 alkyl esters of acrylic or methacrylic acid and
 - 1b) 1 to 10 percent by weight of a sulfur regulator with at least three thiol groups
- (2) 20 to 80 percent by weight of multifunctional acrylates and/or multifunctional methacrylates
- (3) 5 to 75 percent by weight of a diluting agent
- (4) 0.01 to 10 percent by weight of a UV initiator
- (5) 0 to 20 percent by weight of conventional additives, particularly UV absorbers,

from which the subject matter of claim 1 differs in that 2,2,3,3-tetrapropyl methacrylate is contained as fluoralkyl (meth)acrylate, with only four fluorine atoms in the alcohol residue (page 5, line 19). The applicant has not demonstrated that the differentiating feature is the cause of the technical effect. For this reason, the technical problem can be seen only as that of preparing a further fluoralkyl (meth)acrylate in a coating agent for producing scratch-resistant coatings. Document D2 (page 3, lines 4-19) describes, as a differentiating feature, the use of (meth)acrylates with $CH_2-CH_2-(CF_2CF_2)_nF$ fluoric alcohol residues, such as

3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,11,11,12,12,12heneicosafluoro decyl acrylate and

3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,11,11,12,12,13,13,14,14, 15,15,16,16,17,17,18,18,19,19,20,20,20-heptatriacontafluoro eicosyl acrylate in a coating agent for scratch-resistant coatings of plastic bodies (page 4, lines 54-56).

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A person skilled in the art, proceeding from D1 in order to find an alternative fluoralkyl (meth)acrylate for coating agents for scratch-resistant coatings of plastic bodies, would find indications in document D2 of the solution to this general problem, i.e. said person would arrive at an alternative by incorporating the fluoralkyl (meth)acrylates disclosed in D2.

Therefore, an inventive step cannot be acknowledged for claim 1.

2.2.

Moreover, the subject matter of claims 2-21 is disclosed in document D1.

Therefore, no inventive step with respect to documents D1 and D2 can be acknowledged for the subject matter of claims 2-21.